

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOHN DOE,
Plaintiff,

v.

PRAIRIE VIEW A&M UNIVERSITY, et
al.,
Defendants.

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CIVIL ACTION NO. 4:22-cv-01019

**DEFENDANT’S CONCISE SUMMARY
OF SUMMARY JUDGMENT ARGUMENTS**

TO THE HONORABLE JUDGE HITTNER:

Defendant Prairie View A&M University (“PVAMU”) moves for summary judgment on the sole remaining claim in the lawsuit: whether PVAMU violated Title IX when it expelled John Doe for sexual misconduct. The arguments are summarized below:

1. All other claims were previously dismissed. *See* Dkt #24.
2. Respondent Title IX claims are typically either for an “erroneous conclusion” or “selective enforcement.” *Klocke v. Univ. of Texas at Arlington*, 938 F.3d 204, 210 (5th Cir. 2019). Doe lacks evidence for either here.

3. After a Title IX hearing, Doe was found to have engaged in “sexual exploitation” and “complicity” regarding the February 3, 2021 incident where Doe’s roommate RR had non-consensual sex with Jane Roe.

4. Doe’s account of what happened on February 3 was contradicted by other witnesses, including the disinterested male roommate NH.

5. The hearing officer heard live testimony from all main witnesses, found Doe’s account not credible, and found expulsion the appropriate sanction.

6. Doe availed himself of the opportunity to appeal.

7. Doe lacks evidence that the hearing officer’s conclusion is erroneous.

8. Doe complains about not receiving police statements that were unavailable to anybody, and thus there was no gender discrimination basis related to his complaint.

9. Doe lacks evidence of selective enforcement where he lacks a similarly situated female comparator who was treated more favorably.

10. Lacking evidence of gender discrimination, Doe simply wants this Court to second-guess the disciplinary decision. *Davis ex rel. LaShonda D. v. Monroe Cty. Bd. of Educ.*, 526 U.S. 629, 648 (1999) (“courts should refrain from second-guessing the disciplinary decisions made by school administrators”).

CONCLUSION

For the reasons stated, the Court should dismiss all of Plaintiff's claims with prejudice.

July 21, 2023

Respectfully Submitted,

ANGELA COLMENERO
Provisional Attorney General

BRENT WEBSTER
First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

JAMES LLOYD
Interim Deputy Attorney General for
Civil Litigation

KIMBERLY GDULA
Deputy Chief, General Litigation Division

RYAN KERCHER
Deputy Chief, General Litigation Division

/s/Drew L. Harris
DREW L. HARRIS
Texas Bar No. 24057887
Southern Dist. No. 1114798

ALLISON M. COLLINS
Attorney-in-Charge
Texas Bar No. 24127467
Southern District No. 3736145
Office of the Attorney General
Assistant Attorneys General

P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
(512) 463-2120 | FAX: (512) 320-0667
allison.collins@oag.texas.gov
drew.harris@oag.texas.gov
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served to all counsel via CM/ECF, on this the 21st day of July 2023.

/s/ Drew L. Harris

DREW L. HARRIS